

REMARKS

Claims 1-40 are canceled and claims 41-49 are newly added. Support for each of the new claims can be found in the published application paragraphs and corresponding figures as follows: Claim 41 - [0029], [0036] and [0039]; Claim 42 - [0042]; Claim 43 - [0041]; Claims 44 to 46 - [0029] and [0035]; Claim 47 to 48 - [0045]; and Claim 49 - [0036]. No new matter is added.

Objections to the Claims and Drawings

Claim 34 was objected to for improper antecedent basis and the drawings were objected to for not showing every feature of claim 36. Claims 34 and 36 are herein canceled and these objections are therefore moot. Withdrawal of these objections are respectfully requested.

Claim Rejections

Claim 36 stands rejected under 35 U.S.C. § 112, second paragraph. Claims 34-40 stand rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 4,405,313 (Sisley et al.) in view of one or more of U.S. Patent No. 4,098,275 (Consalvo), U.S. Patent No. 4,037,599 (Raulerson), U.S. Appln. Pub. No. 2002/0120224 (Zia et al.), U.S. Patent No. 5,947,953 (Ash) and U.S. Patent No. 5,800,414 (Cazal). Claims 34-40 are herein canceled and these rejections are therefore moot. Withdrawal of these rejections are respectfully requested.

New Claims 41-49

Independent claim 41 recites "[a] multiple catheter assembly, comprising: a first flexible catheter having a first distal end configured for implantation into a patient and a first proximal end configured for attachment to a first medical element; a second flexible catheter having a second distal end configured for implantation into a patient and a second proximal end configured for attachment to a second medical element, the first and second flexible catheters attached to one another via a splittable bond extending from a bond distal end to a bond proximal end, the bond proximal end initially spaced a first initial distance from the first proximal end and a second initial distance from the second proximal end, wherein the distances from the proximal ends of first and second flexible catheters to the bond proximal end may be increased by splitting the splittable bond; and a hub member defining a distal passage configured to receive the attached first and second flexible catheters and first and second proximal passages intersecting the distal passage at

an intersection, the first proximal passage configured for passage of the first flexible catheter and having a length less than the first initial distance such that the first flexible catheter extends from a first proximal opening of the hub member, the second proximal passage configured for passage of the second flexible catheter and having a length less than the second initial distance such that the second flexible catheter extends from a second proximal opening of the hub member, wherein the hub member is configured such that the hub member is longitudinally adjustable along the flexible catheters to position the bond proximal end proximate to the hub member intersection.”

As explained in paragraph [0008], “the surgeon may desire or require a different length of a subcutaneous tunnel for a different patient. However, the location of the catheter hub may dictate the length and/or location of the subcutaneous tunnel. It would be beneficial to provide a catheter assembly that has an adjustable location for the hub along the catheter assembly to provide the surgeon options for securing the catheter assembly to the patient.” The presently claimed invention allows the location of the hub and the configuration of the flexible catheters to be adjusted to facilitate a desired positioning of the hub.

None of the cited references, alone or in any reasonable combination, teach or suggest splittable flexible catheters with a hub member having a split passage which is longitudinally adjustable along the catheters to position the bond proximal end proximate to the hub member intersection.

Contrary to the claimed invention, Sisley et al. teaches at column 5, lines 31-35, a splitter 22 which wraps the junction of the tubes 12 and 14 and which eliminates further splitting of the tubes 12 and 14. The splitter 22 is fixed in position and is not intended to be adjustable, but instead is intended to fix the split relationship of the tubes. Furthermore, Sisley et al. is not concerned with splitting the tubes, but instead teaches the figure-8 configuration to increase flexibility of the dual lumen and to reduce the amount of material used. Siseley et al. explains that the second fill-in portion thereof can extend over substantially the entire remaining length of the catheter. (See column 4, lines 15-39).

Zia et al. and Raulerson are cited for teaching hinged hub assemblies, however, neither of these references teach hub assemblies having a split passage which is longitudinally adjustable along the catheters to position the bond proximal end proximate to the hub member intersection and to have proximal passage lengths less than the lengths of the proximal portions of the flexible catheters such that the flexible catheters extend from respective openings in the hub. The device of

Zia et al. is simply a tube holder to prevent kinking and to facilitate transport or support. A singular tube runs through the housing of Zia et al. and there is no teaching of splitting or adjusting the housing relative to a bonded portion of the catheters. Raulerson teaches a housing in which the catheter tubes terminate and provides fixed locations for the catheter tube ends.

The remaining references are cited for limited teachings and do not overcome the shortcomings of Sisley et al., Zia et al. and Raulerson. It is respectfully submitted that independent claim 41 is in condition for allowance. Claims 42-49 each depend from claim 41 and are allowable for at least the reasons set forth above.

It is respectfully submitted that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are respectfully requested.

If the Examiner believes an interview, either personal or telephonic, will advance the prosecution of this matter, the Examiner is invited to contact the undersigned to arrange the same.

Respectfully Submitted,

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Date

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